REMARKS

I. Status Summary

Claims 1-35 are pending in the present application. Claims 1-35 presently stand rejected. Claim 35 has been canceled. Therefore, upon entry of this amendment, claims 1-34 will be pending.

II. Information Disclosure Statement

In paragraph 1 of the Office Action, the Examiner states that the non-patent files disclosed in the Information Disclosure Statement filed December 5, 2003 are missing from the parent application and have apparently been lost. Copies of the missing non-patent publications are enclosed for consideration by the Examiner. For the Examiner's convenience, Applicants have enclosed a PTO form SB-08B listing these documents. Since the original documents were timely submitted, no fee is believed to be due for the consideration of these documents.

III. Double Patenting

III. A. Statutory Double Patenting

Claim 28 stands rejected under 35 U.S.C. § 101 as claiming the same invention as that of claim 24 of McCann. This rejection is respectfully traversed. Claim 28 depends from claim 27, which depends from claim 26, which further depends from independent claim 23. Claim 23 as amended herein recites a first database including "information as to whether the called party has been ported out of the network serviced

by the network node." Further, claim 23 as amended herein recites a database controller "for determining whether the called party has been ported out of the network serviced by the network node based on a lookup in the first database."

Nowhere in claim 24 of McCann is there a recitation of a database including information as to whether the called party has been ported out of the network serviced by the network node or a database controller for determining whether the called party has been ported out of an area serviced by the network node based on a lookup in the first database. Rather, claim 24 of McCann recites a database including information as to whether number portability processing is required for call signaling messages and whether a reply is required for the call signaling messages. Regarding the database controller, claim 24 of McCann recites a database controller for determining whether number portability processing is required, for determining whether a reply is required, and for formulating the reply. Nowhere does claim 24 of McCann provide a recitation of processing messages associated with ported-out subscribers. Therefore, applicants respectfully submit that amended claim 28 of the present application and claim 24 of McCann are no longer coextensive in scope. Accordingly, it is respectfully submitted that the rejection of claim 28 under 35 U.S.C. § 101 as claiming the same invention as that of claim 24 of McCann be withdrawn.

III. B. Non-Statutory Obviousness-type Double Patenting

Claims 1-5 and 8-17 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-5, and 6-15, respectively, of

McCann. Independent claim 1 has been amended to recite a porting control routing (PCR) node that formulates responses to query messages directed to ported out subscribers and that routes query messages that are directed to subscribers that have not been ported out. If the subscriber has been ported out, a reply is formulated to the first message. Claims 1-5 and 6-15 of McCann are directed to the case where a subscriber is ported in to a second service provider's network and the message is relayed to an HLR in the second service provider's network. The ported out case claimed in claims 1-5 and 8-17 is not recited in claims 1-5 or 6-15 of McCann. Hence, because the claims are different in scope, the obviousness type double patenting rejection should now be withdrawn.

Claims 23 and 27 were rejected on the ground of non-statutory obviousness type double patenting over claim 24 of McCann. Claim 23 has been amended to recite a porting control routing (PCR) node that responds to query messages for ported out subscribers and that routes messages that are directed to parties that have not been ported out. Claim 27 depends from claim 23. Claim 24 of McCann recites a routing node and does not mention the step of determining whether a subscriber is ported out or not ported out. Accordingly, because claims 23 and 27 are different in scope from claim 24, the non-statutory, obviousness type double patenting rejection should be withdrawn.

Claims 29-31 were rejected on the ground of non-statutory obviousness type double patenting over claims 25-27 of McCann. Claims 29-31 of the present application depend from claim 23. As stated above, claim 23 has been amended to recite

determining whether or not a called party has been ported out and taking different actions based on the determination. Claims 25-27 of McCann do not recite the determination of whether a subscriber is ported out or not. Accordingly, because the claims are different in scope, the obviousness type double patenting rejection should be withdrawn.

IV. Claim Rejections Under 35 U.S.C. § 112

Claim 35 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for being merely descriptive and adding no limitation. Claim 35 has been canceled. Therefore, the rejection is now moot.

V. Claim Rejections Under 35 U.S.C. § 102

Claims 1, 7-9, 13-18, and 21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by PCT International Publication No. WO 99/11087 to Op Den Camp et al. (hereinafter, "Op Den Camp"). This rejection is respectfully traversed.

Independent claim 1 has been amended herein to recite a method in which a porting control routing (PCR) node responds to messages relating to ported out subscribers and routes messages relating to subscribers that are not ported out. For example, independent claim 1 has been amended to recite that the PCR node receives a message and determines, using an internal database, whether a called party has been ported out of a network service by the PCR node. In response to determining that the called party has been ported out and that a reply is required, the PCR node

formulates a reply on behalf of a mobile services node using information extracted from the database. Claim 1 has also been amended to recite that, in response to determining that the called party has not been ported of the network serviced by the PCR node, routing information is obtained and the message is routed using the routing information. Similar amendments have been made to independent claim 23. Support for these amendments is found, for example, on page 33, line 22 through page 34, line 21. Thus, independent claims 1 and 23 recite a porting control routing node that responds to queries for ported out subscribers and that obtains routing information for and routes queries subscribers that are not ported out. Providing a PCR node that responds to some messages and routes others eliminates the need for switch-originated queries and responses to databases to determine the portability status of a subscriber in all cases.

There is absolutely no disclosure, teaching, or suggestion in Op Den Camp of a PCR node that responds on behalf of a mobile services node to messages relating to ported out subscribers and that obtains routing information for and routes messages for subscribers that are not ported out. In all of the signaling examples in Op Den Camp, special memory device **12** receives a query and responds to the query. For example, for the ported in case, Op Den Camp states:

> If the target number is a number of the network I itself or a ported-in number, the memory device **12** sends a signal back via connection **14**. (See page 5, lines 29-31 of Op Den Camp.)

For the above-quoted passage, Op Den Camp indicates that memory device **12** responds to a query for a ported in number. Similarly, with regard to the ported out case, Op Den Camp states:

> In the case where the called subscriber is operated by another network of another operator, memory device **12** itself forms a temporary number, which may consist, for instance of a mobile ISDN number of the called subscriber, proceeded by a so called prefix, which indicates the network the called subscriber is operated. The temporary number thus formed is returned via connection **14** to the gateway exchange 11. (See page 6, lines 18-25 of Op Den Camp.)

In the underlined portion of the above-quoted passage, Op Den Camp indicates that for the ported out case, special memory device **12** responds to queries from switching offices. Thus, in both the ported in and ported out cases, Op Den Camp teaches that query messages are responded to by special memory device **12**. There is absolutely no teaching or suggestion of a method where a PCR node responds to messages relating to ported out subscribers and obtains routing information for and routes messages relating to ported in subscribers. Accordingly, it is respectfully submitted that the rejection of claims 1, 7-9, 13-18, and 21 as anticipated by Op Den Camp should be withdrawn.

VI. Claim Rejections Under 35 U.S.C. § 103

Claims 2-6, 10-12, 19, 20, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Op Den Camp. Further, claims 23-27 and 29-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Op Den Camp in view of

U.S. Patent No. 6,049,714 to Patel (hereinafter, "Patel"). These rejections are respectfully traversed.

Claims 2-6, 10-12, 19, 20, and 22 depend from claim 1. As stated above with regard to the rejection of claim 1, Op Den Camp fails to teach or even remotely suggest a method where a PCR node responds to messages relating to ported out subscribers and that obtains routing information for and routes messages directed to ported in subscribers. Accordingly, for the same reasons stated above with regard to the rejection of claim 1, it is respectfully submitted that the rejection of claims 2-6, 10-12, 19, and 22 as unpatentable over Op Den Camp should be withdrawn.

Independent claim 23 recites a PCR node that responds to messages relating to ported out subscribers and that obtains routing information for and routes messages relating to ported in subscribers. As stated above, Op Den Camp fails to teach or suggest a PCR node that performs both of these operations. In contrast, as stated above, special memory device **12** of Op Den Camp responds to queries on behalf of both ported in and ported out subscribers. Patel likewise fails to teach or suggest a PCR node that responds to messages relating to ported out subscribers and that routes messages relating to ported in subscribers. According to Patel, all queries for mobile terminated calls are forwarded to one of HLRs **301**, **302**, or **303**. (See column 5, lines 13-20 of Patel.) There is no disclosure, teaching, or suggestion in Patel of a PCR node that responds to messages relating to ported out subscribers and that obtains routing information for and routes messages relating to ported in subscribers. Accordingly, it is

respectfully submitted that the rejection of claims 23-27 and 29-33 as unpatentable over Op Den Camp in view of Patel should be withdrawn.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. **50-0426**.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date: April 30, 2007

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